

APPENDIX F

PUBLIC COMMENTS ON
DRAFT OIL AND GAS LEASE PROGRAM
AND
DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT
STATEMENT

APPENDIX F

PUBLIC COMMENTS ON DRAFT OIL AND GAS LEASE PROGRAM AND DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

Introduction

This appendix includes all comments received on the draft Oil and Gas Lease Program (Program) and the draft Programmatic Environmental Impact Statement (PEIS) written on the Program. The first section deals with oral comments received at public meetings held January 7, 8, 9, 1985. The second section includes written comments received by the department. Nineteen comment letters were received and the departmental responses to them are noted in this section.

Notations made next to comments refer the reader to the appropriate page(s) in the Final Oil and Gas Lease Program or Final Environmental Impact Statement (FEIS). In the notations, there are letters followed by one or a series of numbers. The letter "P" designates the Program and the letter "E" designates the FEIS. The number following the letter is the page number in the respective document. For example, P42 refers to page 42 of the Program; Eiii refers to page iii of the FEIS. Where changes were adopted in the draft Program or draft PEIS they are underlined; i.e., P44, E47. The word "NOTED" appears when the particular subject is not specifically addressed in either of the documents. In these cases it is the department's judgment, after considering the comment, that changes to the documents are not warranted. It is important to note that some issues raised in the comments are answered by multiple page listings. If multiple pages are listed, the reader should assemble the information from all listed pages for a clearer understanding of the department's response to the issue.

Each testimony and written comment have been given reference codes for identification; H for hearing and W for written. The appropriate reference has been placed in either the Program or FEIS to show which section has been designated to answer the question raised in the testimony or written comments.

All comments were appreciated by the department and were carefully considered, even where changes have not been made to the documents.

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PUBLIC HEARINGS

Public hearings on the department's draft Oil & Gas Lease Program and the draft Programmatic EIS were held at the following locations and dates indicated.

Moses Lake	January 7, 1985
Wenatchee	" "
Yakima	" "
Everett	January 8, 1985
Issaquah	" "
Olympia	January 9, 1985

Public Comments

8 people attended the hearings; formal testimony was given by 5. The transcriptions are reproduced in their entirety.

	<u>Page</u>	<u>Reference Code</u>
Don Mathias, City of Everett, Public Works Dept. . . .	F-6 . . .	H1
Darrell Williams, Environmental Technician;		
Tulalip Indian Tribe	F-7 . . .	H2
David Clark, King County Planning Division	F-8 . . .	H3
Marshall T. Huntting, Consulting Geologist;		
Silver Lake, WA	F-10 . . .	H4
Garth Tallman, Garth Tallman Associates;		
Portland, OR	F-11 . . .	H5

P42,46 I'm representing the Public Works Dept. in regards to managing our Sultan Basin Watershed, which is used to supply water to about 80% of the population in Snohomish County. We've previously sent 3 letters to DNR stating our position. I wanted to reiterate our position today. We are opposed to any oil and gas activity in the Basin that would result in any surface disturbance or the potential for the spill of oils or other chemicals that would be on-site during an operation. For example, chemical additives are mentioned in the EIS that may be needed. I realize that the City of Everett's municipal watershed will be defined as category 2, which means that there will be no surface disturbances; the only method allowed will be slant drilling. I want to point out that's why I think the EIS is a very general document that is only stating policy; there's no specific information to our Basin or any other basin. I wanted to point out that if you use slant drilling in the Basin, you also have an adjacent watershed, the Pilchuck, which supplies water to Snohomish River. We don't understand how you're going to have no surface disturbance in one watershed or another when they are, in fact, adjacent to each other.

P39,50 Another concern we have is that, while some of these oil and gas lease
52 offerings appear to be out of the watershed, they also appear to be accessible through roads that pass through the watershed. In fact, some of them are owned by the City of Everett. Any activity like that will require a road use permit from the City of Everett. Also, we'll be concerned about movement and transportation of any material through the Basin and what the likelihood is of any spills of oil or any chemicals, and if there needs to be any oil pipeline constructed to transport oil from the site into a better market area. We wanted to reiterate what we had previously stated in three letters.

This is a question that would be better left until later, but I wanted to know about the operations plan mentioned in the EIS. If the operations plan is going to be available for review for the general public, we may be able to provide some input. Maybe we can work together to alleviate some of our concerns. Thank you.

Darrell Williams, Environmental Technician for the Tulalip Tribes
Everett, WA, January 8, 1985 (Reference Code H2)

P47,49 I don't have a prepared speech, but will probably send in a letter of comments later. I will be interested in possible impacts to fisheries within the Snohomish and Stilligumish River Basins, and also the protection of cultural and religious sites that may be on DNR lands. In the draft EIS it's stated that DNR would be checking with office of Archeological and Historic Sites, but would also request that you contact the neighboring Indian tribes to see if there are any cultural and religious sites pertaining to the tribes in the area of the oil and gas leases. Thank you.

Dave Clark, King County Planning Division
Issaquah, WA, January 8, 1985

(Reference Code H3)

I have a few general comments about the EIS, and I'd like to ask a couple of questions at the conclusion. In a fairly cursory review, I think the county would generally support alternative two as the preferred means of identifying lands available for lease.

Can there be directional drilling from outside buffer area?

DNR: Yes.

King County supports buffer area 200' in and around wetlands.

Pvii, 42,43 In King County we've gone out and field-reviewed over 900 individual wetlands in the county, about 76% of which don't fall under the jurisdiction of the Shoreline Management Act. They are not associated with waters of the state and therefore not protected by proposed buffers that are identified here, and our wetland definition is not the same as yours. I would think that we would prefer some modifying clauses in the ultimately adopted program....recognizing more detailed program where one does exist for a sensitive area such as wetlands that could be recognized by the state's leasing program. It may well be that some of these wetlands, that aren't in fact associated with shorelines in the state, are considerably more important than those that are associated with shorelines in the state. We have in the county's wetland program identified each wetland in terms of its hydrologic cultural water carrying capacity and some other factors and rated each one of the over 900 as unique and outstanding, or of moderate significance. So we have acquired some judgments as to which of those are more important, and we'd like to see certainly those that are rated #1, unique and outstanding, some way be reflected in the state's....leasing, at least in this county.

NOTED Under plants and animals, on p. 20 (of the PEIS) under Resource Protection. Third paragraph at top of page. Statement alludes to the fact that it's possible that no oil and gas activity could take place until an intensive on-site survey was done. Land use restrictions imposed by this option may not be warranted, since only one endangered and seven threatened plant species and two endangered animal species on the WA State list are found on department-managed land as of October 1984. As one twists to the logic, I would submit that since there are so very few threatened or endangered species on state-managed land then the state has as valid an obligation to look toward regulatory practices that would, in fact, protect those, since they certainly aren't affecting very much of the state-managed land. Reverse logic is as logical, since there aren't many, probably no need to impose restrictions as purported in the EIS. On the other hand, since there aren't very many, I would submit that you could aggressively protect those since there would not be very much state land impacted. That's the main comment I have.

E71,81 Another issue that's come up lately and I haven't found the specific chapter or paragraph that deals with it is impacts of drilling, even exploratory drilling, on ground waters. We have, in King County and in Pierce County, become more concerned about ground water contamination and particularly ground waters that are presently being used for L&I purposes for industrial drinking water supplies. I think to the extent that sensitive aquifers have already been identified by major water purveyors and counties, there'd be some real concern on the counties' part, of leased land being made available for drilling that could potentially hydrologic relate to 2, 3, 4 different levels of different aquifers. We've found in this county that some of the shallow-level aquifers tend to be the most polluted in that surface waters and other contaminants can easily reach those shallow aquifer levels. The deeper wells seem to be in fairly good shape, but in punching holes in the ground there's the potential for co-mingling of degraded water with water at deeper levels that is not apparently degraded, even if the holes are punched on state-owned land. Once the underground aquifers are linked there's a potential for cross migration, and we would be very concerned that exploration and drilling would occur in fairly close proximity to aquifers that are in use by large or even rural populations for drinking water. I'm not sure how the programmatic EIS deals with that. I guess I'm expressing a concern that it should if it doesn't already. Thank you.

NOTED A fact that is not generally recognized and that is appropriate to every resource management agency, or an agency involved with resource management, is that all the world's wealth comes from its natural resources - mining, agriculture, forestry, and fishing - through application of labor and technology.

I regret seeing people rejoice in the demise of basic industry and the emergence of the service industries. Service industries don't contribute to the wealth of a nation; they merely redistribute the dollars already in place. New wealth is a result of exploitation of natural resources.

Energy minerals - coal, oil and gas, and to a lesser extent uranium - are most important. Those states rich in energy resources are very well-off, i.e., Alaska, Texas, etc. The geology of the Northwest, and Washington in particular, is not all that unfavorable, in spite of the fact we've had no production. I would like to make a plea for increased concern for more oil and gas exploration here in Washington. The DNR is the major agency that controls the economic and political environment for oil and gas exploration.

All EIS's tend to be negative and play down the positive. I emphasize that oil and gas are important here in Washington. As we have no production, the impacts are not of that immediate importance; whether or not we get production depends upon the political and economic environment.

Program I see no recognition in the EIS of what I just mentioned. This is a
Prologue generic complaint, however. You see it in every EIS that deals with natural resources. The stage is not set and doesn't imply that an important resource is being dealt with. There should be a statement that sets the stage for the entire EIS and one that recognizes the importance of the industry we are talking about.

NOTED The EIS sends out some negative signals to the industry but that's to be expected from an area like the Northwest. It is important in terms of encouraging exploration in the Northwest to send out as many positive signals as possible to the industry to let the industry know that, indeed, Washington and the Northwest are open for business in terms of oil and gas exploration, and it would be fallacious to assume that the oil companies are just going to come up here because there's potential. All of us like to think there's oil and gas potential, and certainly I think there is, and I think the consensus among geologists is that there is tremendous potential. One of the damaging things that can occur is that the industry can be very fickle. Specific companies can be very fickle and get turned off to an area very quickly, and that was very well evidenced by the state sale back in April of last year. To amplify a bit on what Marshall said, I think anything that the state can do to let industry know that they want to work with the industry as far as trying to encourage exploration I think is a positive thing and I think it will help the oil companies, particularly the majors, take a little bit different view of this area. On the positive side I might say that the meeting held on September 20 between the industry and DNR I consider to be a very positive step. The feedback I've had from my clients and others that participated has been very positive. The important thing there was the general consensus among the industry is that the state wants to work with the industry and it gave them the feeling that really some positive changes could be made. It's not so important necessarily the state do everything the industry wants to do. If it did you wouldn't even have an EIS. But there's got to be a compromise position somewhere, and I think by working together in the spirit of cooperation as apparently has been done since September 20 I think is a positive thing. The bottom line is to try to send out some positive signals to the industry as opposed to negative signals and try to let the industry know that there's room for give and take, and that there are some positive elements in terms of exploring up here as well as negative elements. Thank you.

WRITTEN COMMENTS

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Letters from Federal Agencies



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services

2625 Parkmont Lane S.W., Bldg. B-3
Olympia, Washington 98502

February 4, 1985

Mr. Kenneth Solt, Division Manager
Lands Division
Department of Natural Resources
Olympia, Washington 98504

W1

Re: Draft Programmatic Environmental Impact Statement (PEIS) and
Proposed Washington State Oil and Gas Leasing Program

Dear Mr. Solt:

We have reviewed the above-referenced documents, which have been prepared pursuant to the State Environmental Policy Act (SEPA). We hope the following comments are helpful in strengthening the final PEIS and program plan prior to implementation.

The draft program provides an adequate overview of oil and gas leasing plans on lands managed by the Department of Natural Resources (DNR). We support the wetland protection, phased environmental review and sensitive area planning steps outlined in the documents as essential leasing program elements.

We believe the draft PEIS and program plan could be primarily strengthened by clarifying necessary notification and interagency coordination and planning procedures that are briefly discussed in the draft documents.

NOTED The draft PEIS and program plan do not cover leasing on private, Federal, or state-owned lands managed by other agencies. The documents also point out that all DNR-managed lands would be available for leasing on a case-by-case basis. Your existing system to categorically classify the environmental sensitivity of these lands would also be terminated upon plan adoption.

P45,48, We believe it would be prudent to better outline pertinent review
52,54 criteria beyond those discussed in the draft documents that would be applied by DNR during the application process that may preclude right of entry and lease approval. Furthermore, the documents could also be strengthened by highlighting DNR coordination procedures and describing what technical input mechanisms beyond the SEPA and right of entry permit review process will be available to provide input into oil and gas lease planning.

These concerns stem from the fact that we find the documents unclear as to access and lease review procedures to be implemented for selected DNR- lands leased by the Fish and Wildlife Service (FWS) as Federal wildlife refuges. In one instance, for example, these leased refuge lands support a population of the Columbian white-tailed deer, which is a Federally endangered species.

P53 The FWS strongly encourages early notification regarding permit and lease applications involving lands we lease, or in the immediate vicinity of other FWS- managed refuge and fish hatchery facilities. To facilitate this early coordination, enclosed is a current directory listing addresses of FWS refuge and fish hatchery facilities in Washington.

NOTED

NOTED If Federal fish and wildlife concerns arise as a result of preliminary investigation and leasing proposals, this office would be prepared to work with your staff and potential applicants to resolve them.

NOTED A separate and additional evaluation would also be conducted by the FWS, for proposed oil and gas activities subject to Federal permits for which we have review and issuance responsibilities. This office would conduct an evaluation pursuant to the Fish and Wildlife Coordination Act and the Endangered Species Act, if exploratory or development activities require permits from the U. S. Coast Guard or the U. S. Army Corps of Engineers. These statutes would also apply to the issuance of Special Use permits that would govern refuge land access. It should be noted that in these evaluations, the FWS may concur, with or without stipulations, or object to the work, depending upon whether wetlands or other important fish and wildlife may be directly or indirectly affected.

P43,48 We also note that the proposed resource protection actions outlined in the draft PEIS are directed primarily toward State listed endangered species. This action, although appropriate, appears to downplay balanced protective consideration of other ecologically and economically important fish and wildlife in the leasing process. The final PEIS should better address this issue and clarify how impacts to other important species will be avoided.

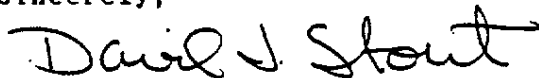
E12,17

E22,24, 44,63, 72,76 Additional mitigation measures beyond those outlined in the draft PEIS are also merited, if accelerated exploration activities are foreseen as a result of program implementation. For example, access road alignment plans and seismic survey methods that pose the least environmental damage should be relied upon to avoid impacts to wetlands, and salmon spawning and wildlife breeding areas. Netting and fencing of mud and settlement ponds may also be necessary to preclude waterfowl and wildlife entry. A more effective oversight process is probably merited of drill cutting, mudpit, and byproduct waste water treatment and disposal, especially in high rainfall areas or locales with a potential for overflows and leaching to surface and subsurface waters.

In summary, we believe additional steps could be taken to further spell out and clarify notification procedures and resource protection and mitigation measures in the final documents.

Thank you for the opportunity to review and comment on these draft documents prior to program implementation. We would also appreciate receiving a copy of the final PEIS and adopted oil and gas leasing program plan.

Sincerely,



David J. Stout
Acting Field Supervisor

cc: RO-AHR
SE-Olympia
CWTD NWR
BIA
EPA
WDE
WDF
WDG



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

PORTLAND AREA OFFICE

POST OFFICE BOX 3785

PORTLAND, OREGON 97208

IN REPLY REFER TO:
Land Services

JAN 16 1985

Mr. Kenneth E. Solt
Manager, Lands Division
Department of Natural Resources
Public Lands Building
14th and Water Street
Olympia, Washington 98504

W2

Dear Mr. Solt:

We have reviewed the Proposed Oil and Gas Leasing Program and Draft Environmental Impact Statement for potential effects on Indian lands and trust resources and offer the following comments.

NOTED Implementation of the proposal with adequate monitoring and consultations, when required, with adjacent land owners should provide appropriate control and consideration of environmental and socio-economic concerns.

Sincerely,

Acting Assistant Area Director
(Program Services)

Letters from State Agencies

JOHN SPELLMAN
Governor



JACOB THOMAS
Director

STATE OF WASHINGTON

OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

171 West Twenty-First Avenue, KL-11 • Olympia, Washington 98504 • (206) 753-4011

December 6, 1984

Mr. Kenneth E. Solt
Division Manager, Lands Division
Dept. of Natural Resources, QW-21
Olympia, WA 98504

W3

Log Reference: 590-S-DNR-07
Re: Oil & Gas Leasing Program

Dear Mr. Solt:

NOTED A staff review has been conducted of your proposed oil and gas leasing program and the accompanying draft programmatic environmental impact statement. We believe the document could substantially benefit from additional consideration of archaeological and historic preservation concerns. Specifically, it is important to note that Department of Natural Resources (DNR) managed lands, to our knowledge, have never been subject to a comprehensive systematic professional archaeological and historic survey. In the absence of survey activity and resulting information, DNR data files will not accurately indicate if state managed archaeological and historic sites will be impacted by proposed activities.

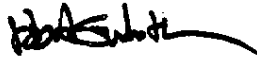
We would be happy to meet with you and your staff to discuss the development of an active program to meet DNR's goals to "administer the Oil and Gas Leasing Program in a manner that identifies and protects cultural resources." We have enclosed a copy of a proposed Cultural Resource Management Program for Oil and Gas Leasing for your consideration and review.

NOTED We would note that there are several benefits from implementing this type of program. Most importantly, it assures that an active program will be undertaken to assure that state managed archaeological and historic sites will be found, evaluated, and considered as part of the environmental decision-making process. Second, it clearly identifies the process and the consultation requirements that will be followed for all leases. Third, it mirrors the program our office has developed for oil and gas leasing requiring federal permits or leasing and

Mr. Kenneth E. Solt
December 6, 1984
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thus will provide a uniform, predictable program for all lands within the state.

Sincerely,



Robert G. Whitlam, Ph.D.
State Archaeologist
(206) 753-4405

dw
Enclosure

CULTURAL RESOURCES MANAGEMENT PROGRAM
Stipulations for Oil and Gas Leasing

GENERAL PROCEDURES

The Cultural Resources Management (CRM) Program shall be governed by the standards, principles, criteria, and definitions described in the following state and federal regulations and publications as applicable:

1. Archaeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines (survey, data recovery, curation, and professional qualifications).
2. 36 CFR 63 - Determinations of Eligibility for Inclusion in the National Register of Historic Places (including guidelines for level of documentation to accompany requests for determinations of eligibility for inclusion in the Register).
3. 36 CFR 800 - Procedures for Protection of the Cultural Environment (criteria of effect and adverse effect).
4. Advisory Council on Historic Preservation. Treatment of Archaeological properties: A Handbook (guidelines for the development of mitigation procedures).
5. State of Washington Resource Protection Planning Process Archaeological and Historic Comprehensive Plan.

The CRM Program will include the following elements:

1. Identification
2. Evaluation of Significance
3. Evaluation of Effect
4. Implementation of Mitigative Measures

Prior to undertaking any surface-disturbing activities on the lease or off-lease lands used in exploration and development activities associated with the lease, the lessee or operator, unless notified to the contrary by the authorized officer of the Department of Natural Resources (DNR), with the concurrence of the State Historic Preservation Officer (SHPO), shall:

1. Identification
 - a. Describe and identify the location of surface-disturbing areas.
 - b. Engage the services of a cultural resource specialist acceptable to DNR and the SHPO to conduct a cultural resource inventory of those areas detailed in 1.a. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may

result from environmental or other considerations. An acceptable inventory report is to be submitted to the authorized DNR officer and to the SHPO for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface disturbing operation is submitted.

- c. Upon review of the inventory report by DNR and the SHPO, should questions arise concerning the adequacy of the survey coverage, sufficient additional surveys shall be performed to resolve these questions.

2. Evaluation of Significance

Evaluate the National Register eligibility of all sites discovered during the investigations detailed under Section 1.b.

3. Evaluation of Effect

Pursuant to the process established in 36 CFR 800, obtain evaluations of effect for all National Register eligible sites within the surface-disturbing impact area.

4. Implementation of Mitigative Measures

- a. Prepare a mitigation plan and research design for DNR and SHPO approval for sites which are determined eligible under Section 2 and which will be subject to adverse effects as determined under Section 3. Mitigation may include the relocation of proposed lease-related activities or other protective measures and data recovery measures such as excavation and recordation. Avoidance through relocation is the preferred mitigative option and, where avoidance is neither prudent nor feasible, data recovery, protective measures, and recordation will be considered. Where impacts to archaeological and historic sites cannot be mitigated to the satisfaction of DNR and SHPO, the lessee agrees to no surface occupancy within the boundaries of the site.
- b. Implement the approved plan prepared under Section 4.1.
- c. The lessee or operator shall immediately bring to the attention of the authorized officer of DNR and the SHPO any cultural resources discovered as a result of the lease. Such resources shall be tested and evaluated for State and National Register eligibility. For those sites determined to be eligible, evaluation of effect and mitigation measures shall be developed as outlined under Sections 3 and 4.

- 5. All artifacts, supporting data, and records resulting from this CRM Program will be curated in accordance with generally accepted practice and all applicable regulations. All data will be made available to qualified or professional archaeologists during regular working hours at times prearranged with the director of the repository.

JOHN SPELLMAN
Governor



DONALD W. MOOS
Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504 • (206) 459-6000

January 11, 1985

Mr. Kenneth Solt
Department of Natural Resources
Mail Stop QW-21
Olympia, WA 98504

W4

Dear Mr. Solt:

Thank you for the opportunity to review the draft programmatic EIS for your oil and gas leasing program. We offer the following comments:

- P31,55,
A-1
E71,80,
81,123
- E76
- NOTED
- NOTED
- P21
E29
1. The EIS needs to discuss the designation status of drilling muds and produced waters (Chapter 173-303 WAC). Applicants should be aware that, depending on the substances involved, these muds may be designated dangerous waste and require special handling on site (please contact Mr. Ross Potter, 459-6303).
 2. Oil rig construction and mud pit design and operation may be subject to construction constraints under Chapter 173-240 and 173-303 WAC.
 3. We remain concerned about possible ground water contamination due to the drilling process. There is also the potential for aquifer interchange and/or depletion due to interaquifer transfer from high to lower head zones resulting from improper construction or abandonment of test wells. To keep the Department of Ecology informed and to ensure proper protection of ground water, we suggest the applicant contact the appropriate WDOE Regional Office prior to beginning drilling operations. This would be in addition to our review of the environmental checklist and any permit applications.
 4. The environmental checklist for each proposal should indicate the specific effects of explosives for seismic exploration, including transportation and storage of explosives, chemical characteristics and strength, amounts in inventory, amounts used per test, frequency of use and areal coverage per test, and types of geologic structures subject to long-term compression or expansion.
 5. It would be helpful if the EIS could indicate the general areas where exploration activities may occur.

Sincerely,

A handwritten signature in cursive script that reads "Greg Sorlie".

Greg Sorlie, Supervisor
Environmental Review and
Permit Management Section

GS:pk

cc: Jerry Louthain, SWRO
Roy Anderson, ERO
Dave Nunnallee, NWRO
Clar Pratt, CRO
Fred Hahn, External Affairs
Ross Potter, Dangerous Waste

F-29

JOHN SPELLMAN
Governor



WILLIAM R. WILKERSON
Director

STATE OF WASHINGTON
DEPARTMENT OF FISHERIES

115 General Administration Building • Olympia, Washington 98504 • (206) 753-6600 • (SCAN) 234-6600

January 14, 1985

Mr. Kenneth E. Solt, Division Manager
Lands Division
Department of Natural Resources
Olympia, Washington 98504

W5

Dear Mr. Solt:

Proposed Oil and Gas Leasing Program, Draft
Environmental Impact Statement Statewide

We have reviewed the above-referenced program and Draft Environmental Impact Statement (DEIS). We support your programmatic approach to analyzing the environmental impacts of leasing Department of Natural Resources (DNR) lands for oil and gas exploration. Specific comments follow.

Proposed Program

E71,80 Page 31 You mention water produced from wells being disposed of in streams. We strongly discourage this practice. We encourage strict monitoring of discharges to insure compliance with state water quality standards. In addition, the quantity of additional water disposed of should not be excessive. Sudden large surges of flow may in some cases stimulate movement of adult or juvenile salmon into newly inundated areas where they may become stranded as the flow recedes. Also, large introduction of flow may cause bank scour and sedimentation of local downstream habitats.

NOTED Page 39 We are encouraged that the program is committed to involving interested agencies and professionals in your decision making process.

P46 Page 46 We feel Type 3 waters should be included as sensitive areas.

NOTED Page 50
and 52 To allow us to evaluate the impact of a proposal, at a minimum the checklist should include a site map with contours, site-specific plan, at least some indication of amounts of cut and fill if any, location of surface water, and vegetation on the site. It would be ideal to include the site-specific plan of operations with the checklist but this may be "putting the cart before the horse."

Mr. Kenneth E. Solt
January 14, 1985
Page 2

P53 Page 33 The flow chart should include notice of surface owners and other agencies with a Declaration of Significance (DS) as well as with a Declaration of Non-Significance (DNS) (upper left, 6th step). Also, notice of application for shothole seismic survey or drilling should include the Department of Fisheries.

NOTED Page 33 It is encouraging to see the oil and gas supervisor will perform monitoring inspections. Responsibility for compliance was not clear during previous leases.

Environmental Impact Statement

P44 Page 21 Road Construction - We do not concur entirely with the
E22 proposed alternative. We suggest the following, "all roads constructed for conducting examinations, drilling, development and production activities on premises leased for oil and gas purposes shall meet or exceed road construction and maintenance standards as specified by the Forest Practices Board (Ch. 222-24 WAC)." This is consistent with the DNR's Forest Land Management Plan and encourages the DNR to manage these leases with the Forest Practices WAC's as the minimum standard, not the norm.

E59 Page 37 The 200' minimum distance from Type 1-4 waters for vibratory surveys is arbitrary. Have any studies been done to determine if "no significant impacts to anadromous fish embryos are anticipated" is an accurate statement.

NOTED Page 61 A "Redd" is a single salmonid spawning nest. Both anadromous and resident embryos could be affected by acoustic shock. Eyed stage for salmonids varies with and among salmonid species spawning timing. Depending upon species, race and location, eyed stage could occur in every month of the year. For example, spring chinook salmon spawn in August and September; fall chinook spawn in September, October and November; chum salmon spawn from August to March; and coho salmon spawn from September to January; some species of trout are spring spawners while others are fall and winter spawners, and some steelhead are spawning as late as June.

NOTED Page 62 As with vibratory shock, have any studies been conducted to substantiate this conclusion. If not, it is incumbent upon DNR to conduct such studies before speculating what the impacts might be.

Mr. Kenneth E. Solt
January 14, 1985
Page 3

Page 62 As with vibratory shock, have any studies been conducted to substantiate this conclusion. If not, it is incumbent upon DNR to conduct such studies before speculating what the impacts might be.

With the exception of the preceding comments, we concur with the contents of the program and DEIS. To reiterate, we feel the keys to the success of this program is well prepared checklists or supplemental EIS, strict and frequent monitoring and enforcement of lease provisions and strict compliance with existing environmental laws.

Thank you for the opportunity to comment.

Sincerely,

William R. Wilkerson
William R. Wilkerson,
Director

cc: Game
SEPA File
Trospen

JOHN SPELLMAN
Governor



FRANK LOCKARD
Director

STATE OF WASHINGTON
DEPARTMENT OF GAME

600 North Capitol Way, G1-11 • Olympia, Washington 98504-0091 • (206) 753-5700

January 16, 1985

Mr. Art Stearns
Department Supervisor
Department of Natural Resources
Olympia, Washington 98504

W6

DRAFT ENVIRONMENTAL IMPACT
STATEMENT: Proposed Oil
and Gas Leasing Program

Dear Mr. Stearns:

Your document has been reviewed by Department of Game staff as requested; comments follow.

We commend you for including resource protection measures in your proposed program. Most significant among these are your goal (p.11) to ... "Protect from and reduce or eliminate losses caused by erosion, pollution of ground and surface waters and disruption of wildlife habitat...", and your proposed policy (p. 14) to prohibit most impacting activities within 200 feet of wetlands and types 1, 2, 3 or 4 waters. Conscientious adherence to these principles would help protect the public's valuable fish and wildlife resources while allowing income generation for the trust.

However, other language in your document casts uncertainty on how protection measures would be applied. In all, we believe stronger commitments to impact-reducing measures should be made.

NOTED In contrast to wording of the program goal mentioned above, your specific resource protection policies (p. 19) focus entirely on endangered, threatened and sensitive species. It should be pointed out that certain economically important species, not counted among the protected categories, could also suffer significant impacts from oil and gas operations. Losses of these animals would be felt by local communities as recreational expenditures decreased. A specific example of this type of resource is the Colockum elk herd. We believe that your program should include measures to reduce these impacts.

P3,5, In addition, it is unclear how your standards of protection for
44 threatened and sensitive species would apply. The qualifier, within trust obligations, is not informative enough to predict specific outcomes when plants and animals are at risk. Furthermore, to "consider" avoiding or lessening impacts on sensitive species does not imply any performance standard. It is clear that your income

generation and resource protection mandates potentially conflict. However, not enough information is given to judge how you would resolve these conflicts in practice.

NOTED Overall, we recommend that you add stronger, clearer language to your final EIS. Where you state that consultations with Game Department biologists may occur, we urge that you commit yourself to making them at appropriate points of the leasing/drilling process. In addition, some mechanism should be designed for acceptance and use of new resource information as it is developed. The Heritage data base is not comprehensive. Another issue of specific concern to us is your policy toward oil and gas activity on lands where Department of Game leases surface rights and uses the parcels for wildlife habitat and recreation. Notification, consultation and balance of resource/trust obligations are not clearly delineated in your document. These are public, as well as interagency issues. We urge you to include this information in your final EIS.

Specific comments follow:

Page 11, Natural Resource Goals (2) . Again, this goal is commendable, especially in that protection is not restricted to habitats of endangered, threatened and sensitive species.

NOTED Page 13, paragraphs 4 & 5 . We question whether it is realistic or desirable to act on the assumption that activities will probably not occur on leased parcels. What reliances are made and rights granted when leases are executed?

Page 13, Leasing of Aquatic Lands . We agree that this issue deserves special scrutiny.

P43,53 Page 16, Notification of Oil & Gas Leasing . Concerning those lands managed by your agency and leased by Department of Game, we would prefer the earliest possible notification. Our use of these parcels would often conflict with oil & gas activities. Does notification to surface owners of record imply notification of leaseholders?

P43,50 Page 18, Right of Entry . It is not clear how rights of entry are to be coordinated with surface leaseholders.

NOTED Page 19, Plants and Animals . Again, we recommend stronger, clearer standards.

P49 Page 20, paragraph 2 . This rationale for avoiding inventories applies to your policy for endangered species protection as well. Occurrence data in the Heritage system are not comprehensive. Consultations with Game Department biologists are important in this context, and some studies may be unavoidable.

NOTED Pages 21, 22, Road Construction . Placement can be as important as construction technique for avoiding impacts from roads. With oil & gas operations, road building is a major issue. We urge consultation

with Game Department biologists and full implementation of mitigating measures.

NOTED Page 61, Plants and Animals, paragraph 1 . Impacts from drilling rigs, service trucks and survey personnel would not be limited to threatened and endangered species.

NOTED Page 62, paragraph 2 . Because your conclusion is tentative, protective timing restrictions and/or implementation of monitoring studies would be appropriate.

E59,64 Page 62, paragraph 5 . Consultation should be carried out with Department of Game biologists for fish species under our jurisdiction.

NOTED Page 77, Runoff/Absorption . In the last four years, at least two mud pit overflows have reached surface waters in the state of Washington. Impacts from these occurrences should be discussed fully in your document.

E81 Page 78, Plants and Animals . Alternative mitigating techniques are feasible for avoiding open mud pit impacts on wildlife. In areas and at times of high waterfowl use, we strongly recommend the use of netting over mud pits. This method has proven to be effective. In addition, an experimental sonic repulsion method is being tested, and may also offer effective mitigation.

Thank you for giving us the opportunity to respond to your document. We hope our comments are helpful for preparation of your final EIS.

Sincerely,

THE DEPARTMENT OF GAME


Larry Lennox
Deputy Director

295

JW:jt

JOHN SPELLMAN
Governor



KAREN RAHM
Secretary

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

1409 Smith Tower, B17-9 • Seattle, Washington 98104

December 19, 1984

Kenneth E. Solt, Manager
Department of Natural Resources
Lands Division
Room 202 Public Lands Building
Olympia, Washington 98504

W7

Subject: Proposed Oil and Gas Leasing Program

Dear Mr. Solt:

I thank you for the opportunity to review the Proposed Oil and Gas Leasing Program. It is apparent that a solid effort is being made to strengthen the leasing process. For a specific department position on all or part of the program, I must refer you to our Operations Supervisor, Bill Liechty, at scan 243-5953, in Olympia.

P42,46 I would, however, like to comment on a particular component of the Pro-
E72,81 gram from a District Engineer's perspective. Specifically, while the proposed process for reviewing and judging applications appears adequate, some concern remains for applications appearing in watersheds. The process now established tacitly allows for the possibility of extended drilling within a watershed. Granted, the review process should eliminate the problem applications. It seems, however, like the question as to whether a potentially dangerous (to the water quality) operation should even be allowed in the watershed is left begging. It shouldn't be.

I realize that the report was basically an outline and that details on the exact review process are omitted or missing. Thus if you feel there is other information I should be made aware of, please don't hesitate to contact me at scan 576-7673 or 576-7670.

Sincerely,

Lawrence W. Waters
Lawrence W. Waters
District Engineer
Water Supply and Waste Section

LWW:bv

cc: Clair Olivers, City of Everett Water Dept.
Tim Haydon, City of Snohomish Water Dept.
Snohomish Health District
Bill Liechty, Olympia

F-39



Letters from Interested Tribes



Colville Confederated Tribes

P.O. Box 150 - Nespelem, Washington 99155 (509) 634-4711

COMMENTS

January 4, 1985

W8

COMMENTS : Colville Confederated Tribes
COMMENTING : Adeline Fredin, History/Archaeology Department
REFERENCE : page 20, and noted below for your review
REFERENCE : page 21, and noted below for your review
" PROPOSED OIL AND GAS LEASING PROGRAM: DRAFT EIS 1984 "

CULTURAL RESOURCESpage 20,
Cultural resources are archaeological or historical sites such as the Indian pits and cairns on department-managed land near Stevenson."

"PROPOSED ACTION:"

"Adminster the Oil and Gas Leasing Program in a manner that identifies and protects cultural resources."

"ALTERNATIVE:"

"Make no special effort to identify or protect cultural resources. (NO Action)."

"DISCUSSION:"

"The proposed action will supplement the capabilities of the Office of Archaeological and Historic Preservation (OAHP) which will reduce the risk of accidental damage or destruction of cultural resources. Methods to identify and protect them will be part of the oil and gas leasing process. Department managers, because of additional training and knowledg, will be able to adjust proposed activity, avoiding needless damage."

"Alternative makes no special effort to identify or manage cultural resources. Instead, it relies intiraly on OAHP for identification and management direction. Since OAHP is understaffed and underfunded, this would reduce the department's ability to protect cultural resources."

COMMENTS: TO Draft IES 1984, PROPOSED OIL AND GAS LEASING PROGRAM

It appears there is a lack of communication between law, and regulation for the protection of the cultural resources by the oil and gas proposed leasing program. The Colville Tribe as one of the first natives to the State of Washington area, has a definite intrest in the management for cultural resources, and the enviornment necessary to support what had been the Indian way of life. Cultural resources are a none-renewable resource, and represent hundards and thousands of years of information important to the history and culture of the Indian people. The tribe has incurged the management policys, law, and regulations governing the protection and preservation of the cultural resources intrusted to OAHP. OAHP is awar that most of the tribes throughout the State of Washington were relocated to lands away from their own traditional area, and these lands became managed by the State. With the relocation of tribes, they were forced to leave behind valuable resources unique only to their

page 2, CCT Comments, from Adeline Fredin director of History/Archaeology

history. These are the resources that often become adversely effected by land development, with littel concideration or concern for the destruction of the information scientific or culturaly.

RECOMMENDATION:

P47,49 That there be a more positive policy by the proposed oil and gas leasing program to impliment laws and regulations protecting and preserving archaeo-logical resources. 36 CFR Part 800, Part 63 including those regulations identified by OAHF, and those agencys that may be able to lend assistance to proper management of the Cultural Resources.

" PROPOSED OIL AND GAS LEASING PROGRAM " 1984

"Heritage Protection, Section"

Endangered, Threatened and Sensitive Species"

1. Endangered;
2. Threatened;
3. Sensitive ;

"Aboid impacts on plant and animal species considered indangered. Within trust obligations, avoid impacts on species considered Threatened and consider avoiding or Lessening impacts on species con-sidered sensiteve.".....found on page 48

"NATURAL ARRA PRESERVES AND THE REGISTRY PROGRAM".....found on page 48

"CULTURAL RESOURCESfound on page 49

"parigraph two under CULTURAL RESOURCES "These sites and objects are protected by federal and state law, including the National Historic Preservation Act (Public Law 89-665 as amended), the Federal Archaeological and Historic Preservation Act of 1974 (P.L.93-291) and the State Archaeology and Historic Preservation Act (Ch. 27.34 RCW)."

COMMENTS: The laws are quoted here, but the policys to impliment the laws and regulations are missing, it may be an oversight, or it may be that the method to impliment the regulations are in a volium I have not seen. At any rate the tribes throughout the State of Washington have given up countless acres of land for occupation, development and new indestries. The story is continually repeted of inadvertant or deliberate destruction of cultural resources important to the sience and to enable the tribes to know more about their own history and culture.

P49 RECOMMENDATION: A section directed toward management policys for protection and preservation of cultural rasources determined eligibile for mitigation. Preservation of information in the event that the resources are detemined eligibile, and that the project can-not avoid the site/s. Consoltation with tribes presently known to have occupied the land in the event that mitigation also includes prehistoric burials, sacred sites, or ceremonial sites. The tribe should also be allowed copys of the resulting reports, studys, documents, digrams, maps, as part of their right to better know their ancesterol heritage.

Adeline Fredin
Adeline Fredin

Letters from Local Government

January 11, 1985

Mr. Kenneth Solt
Division Manager, Lands Division
Department of Natural Resources
Olympia, Washington 98504

W9

CITY OF
everett

PUBLIC WORKS DEPARTMENT
3200 CEDAR STREET
EVERETT, WASHINGTON
98201

Subject: DNR's PEIS for Oil and Gas Leasing

Dear Mr. Solt:

Thank you for the opportunity to review your proposed Oil and Gas Leasing Program and draft Programmatic Environmental Impact Statement (PEIS). The City's position on oil and gas leasing in our municipal watershed (the Sultan River Basin) has been communicated to the Department of Natural Resources in two previous letters addressed to Mrs. Hixon, your Environmental Coordinator (dated February 6 and February 14, 1984).

The City is still concerned about all issues raised in our two previous letters. In addition, we would like to offer the following comments on the PEIS:

- P45 1. Repeated reference is made to a Plan of Operations that all leases must provide to the DNR. This plan appears to be a critical tool in anticipating and mitigating any potential problems that might arise during oil and gas exploration activities. The City would like to be involved in the formulation of all operation plans for explorations within, or near, our municipal watershed (a watershed map is attached) prior to their approval by the DNR.
- E82 2. On Page 71, it is stated that only six blowouts have occurred in California between the years 1970 and 1980. Although this indicates that the probability of a blowout is low, there still should be a discussion of the impacts of a blowout and proposed mitigation techniques if a blowout does occur.
- P44 3. On Page 82, it is stated that liquid waste may be injected into subsurface
E72,81 strata where the local groundwater is of equal or poorer quality than the liquid waste. Groundwater quality should be tested during the formulation of the operations plan, so it can be determined prior to permit issuance if liquid injection will be feasible.

STREETS
259-8820

TRANSIT
259-8896

MOTOR
VEHICLES
259-8777

BUILDING
259-8745

PUBLIC
SERVICES
259-8611

UTILITIES
259-8820
Water/Sewer/Drainage

CONSTRUCTION
INSPECTION
259-8811

ENGINEERING
259-8811

TRAFFIC
259-8811

Mr. Kenneth Solt
Division Manager, Lands Division
Department of Natural Resources
January 11, 1985

Page Two

P42,46. 4. Directional drilling is suggested as the method to avoid surface disturbances within municipal watersheds, and still extract oil and gas from within the municipal watersheds. Everett's watershed (the Sultan River) and the City of Snohomish's watershed (the Pluckuck River) are adjacent watersheds. Directional drilling in this case will, therefore, still result in surface disturbances within a municipal watershed. This points out the need for a detailed comprehensive analysis of oil and gas leasing/exploration in our watershed, instead of the general guidelines presented in the proposed leasing program and PEIS.

Again, thank you for the opportunity to comment on the proposed leasing program and PEIS.

Sincerely,



ALFRED R. THEAL, P.E.
Public Works Director/City Engineer

DM/jcl

cc: Ray Lasmanas, Oil and Gas Conservation Committee Supervisor
Jack Hulsey, DNR Area Manager
Bob Landles, City of Everett Environmental Coordinator

Attachment



Jefferson County
Planning and Building Department

county courthouse
port townsend, washington 98368
telephone 206/385-1427

david goldsmith, director

December 13, 1984

Mr. Kenneth Solt, Division Manager
Lands Division
Washington State Department of Natural Resources
Mail Stop QW-21
Olympia, Washington 98504

W10

Re: Proposed Oil and Gas Leasing Program

Dear Mr. Solt:

This office has reviewed the Washington State Department of Natural Resources' proposed Oil and Gas Leasing Program and offers the following comments:

- P45 1. Page 45, "Sonsitive Area Planning." The concept of giving special attention to sensitive areas is a good one. The document, however, devotes much effort to defining what a sensitive area is without describing how the area will be treated differently in the planning process. This should be clarified in the final document.
- P56 2. Page 56, "Reclamation." This is the only section devoted to reclamation
E85 requirements. We consider reclamation to be a most critical part in the oil and gas extraction process and one that is often overlooked. The final plan should address requirements such as the need for a reclamation plan, reclamation standards, and a timetable for reclaiming lands. If these standards are contained in another document, they should be referenced.

Generally, we found the document to be informative and provide a timely, methodical process for obtaining an oil or gas lease. Addressing the two areas described above would make the document more complete and clear.

Sincerely,

Mitch Press
Associate Planner

MP:ve



King County Executive
Randy Revelle

Department of Planning and Community Development
Holly Miller, Director

January 18, 1985

Mr. Kenneth E. Solt, Division Manager
Lands Division
Mail Stop QW-21
Department of Natural Resources
Olympia, Washington 98504

W11

RE: Proposed Oil and Gas Leasing Program - Draft Environmental
Impact Statement

Dear Mr. Solt:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS) for the proposed Oil and Gas Leasing Program. King County has followed the leasing program with considerable interest over the past two years and has provided the Department with recommendations on the scope of the leasing program, the assignment of sites into leasing categories and resource information on proposed lease sites in King County.

We appreciate the Department's efforts to accommodate our previous concerns on this important program. I hope the following comments assist you in developing the Final EIS and in designing mitigation measures to protect important natural and environmental resources on and adjacent to State managed lands.

The following comments supplement the oral comments provided by Dave Clark of my staff at your public meeting in Issaquah on January 8, 1985.

Relationship to Other Oil and Gas Regulations

P7,15, It is not clear how the policies and regulations promulgated in the Oil and
44,53, Gas Conservation Act (RCW 78.52) and the activities of the Oil and Gas
54 Conservation Committee relate to the policies proposed under this action.
For example, could the proposed policies and regulations be conflicting
with and/or more stringent than those existent under current statutes? Are
amendments to the regulations and procedures implementing RCW 78.52
expected as a result of the regulations resulting from this action? Are
changes proposed to the Department's Plan of Operations requirements? Will
the policies and guidelines recommended from this (DEIS) be adopted as WAC
amendments or as administrative procedures? The Final EIS should clarify
these relationships and the process the Department will use to adopt the
proposed policies and regulations.

Management Goals

NOTED One of the overall management goals for the Oil and Gas Leasing Program proposes that natural resources on State lands be conserved and enhanced. Other than enhancing the availability of the State's oil and gas resources and resultant financial yields to the State from required leases, what other levels and types of resource enhancement are expected from the proposed program?

Lands Available for Lease

P42 Alternative Two, which establishes a "three category system" for classifying Department lands available for lease based on degree of sensitivity, appears to provide a reasonable level of protection for important natural resources without unnecessarily encumbering the State's trust mandate. Absent in this and other proposed alternatives however, is a means by which State lands clearly exhibiting greater value for other natural resource purposes can be selectively and permanently excluded from future oil and gas leases (e.g., lands with endangered or threatened species, lands having a majority of the parcel identified as a sensitive area). Substantial data is currently available in King County on environmental resources and sensitive areas which could be used to eliminate sites from lease consideration prior to conducting expensive, site-specific environmental analyses as is proposed under the leasing program.

Buffers for Waterbodies and Wetlands

P45 We do not believe a 200 foot buffer around water bodies and wetlands by itself, provides sufficient protection for aquatic resources and riparian habitats in all circumstances.

P45 The proposed policy should also consider seasonal restrictions which may be necessary in cases of spawning fish and nesting birds. Further, directional drilling which is permitted beyond the 200 foot high water mark could have significant adverse impact on wildlife due to noise and vibration which is not considered by the proposed policy.

Wetland Definition

P43, 45 The definition of wetlands (WAC 344-12) used in the PEIS is considerably narrower than the definition used by King County in our wetlands management program or the Corps of Engineers/United States Fish and Wildlife Service at the Federal level. As a consequence, the majority of King County's designated wetlands (approximately 76 percent) are outside the scope of the protection afforded by the proposed 200 foot buffer. The WAC wetland definition is further complicated by the requirement for the wetland edge to be established from measurements landward from the ordinary high water mark. In practice, accurate determination of the ordinary high water mark in wetland areas is subject to substantial uncertainty and ambiguity. Both King County and other Federal agencies managing wetland resources use the

Kenneth E. Solt
January 18, 1985
Page 3

existence of wetland plants, wetland soils and, to a lesser extent, the water regime to establish the wetland edge. We suggest the Department amend the proposed regulation as outlined in either a. or b. below.

- a. Revise the WAC definition of wetlands to use the federal definition because of its widespread recognition and use by resource agencies, including King County, or
- b. Add a provision to the proposed regulation which allows the Department to recognize and use wetland programs, which have been developed and are being implemented at the local level. We consider this to be a prudent approach since King County will apply its wetland regulations in subsequent review and permitting activities.

Notification of Oil and Gas Leasing

P7,53 Notification to counties and other affected local governments upon acceptance of oil and gas lease applications would provide the State with additional information that may not be known or obtainable from surface owners of record. This notification would not only alert the local jurisdiction to the impending lease but would also provide the State with the means to request environmental information from the local land use agency that could subsequently be used to condition the operator's Plan of Operations or other required permits.

Resource Protection

NOTED The proposed policy dealing with plants and animals implies that the State's trust management obligations would prevail over actions, such as lease prohibitions, which would protect species considered threatened or sensitive. The policy appears to be less restrictive than current policies of the Federal government affording protections to threatened or sensitive species. The proposed policy also raises considerable questions in situations where these species or their habitat overlap abutting parcels managed by the State and Federal agencies.

NOTED The DEIS notes that more stringent policy protections may not be warranted due to the very limited existence of endangered or threatened plants and animals on department-managed land. However, the reverse would be equally valid -- that such few species could easily be protected without excluding sizeable land areas from leasing or adversely affecting trust obligations. We believe the latter should be given further consideration in the Final EIS.

Seismic Exploration

P7,44,45, We expressly request that the local land use agency be notified prior to
53,E72, any proposed explosive seismic exploration. Measures to control noise
76,82 impacts on all aspects of exploratory investigations and drilling should be

Kenneth E. Solt
January 18, 1985
Page 4

P7,44, given priority consideration where residential areas are in close proximity
45 to the area of exploration.

Aquifer and Groundwater Protection

P7,44, Growing concern and pressure is being exerted on State and local govern-
45,46, ments to more aggressively protect recharge areas and groundwaters used for
55 public and private drinking water supplies. As noted in the DEIS, explor-
E7,72, atory drilling may allow communication between aquifers, ultimately result-
80,81 ing in degraded water quality which makes groundwaters unsuitable for
domestic use.

P45 Policy and regulatory protections for these aquifers is not sufficiently
E35,47, developed in the DEIS. Much stronger safeguards, such as the leasing
63,71, prohibitions proposed for wetlands and other water bodies, would seem to be
72 just as appropriate for public water supply systems. Local land use agen-
cies and water purveyors should be contacted for area-specific information
on aquifers and domestic groundwater systems, and should be consulted in
establishing water quality and quantity safeguards made as part of the Plan
of Operations.

Thank you again for the opportunity to review the DEIS. If clarification
of our comments is necessary or if you have additional questions, please
contact Dave Clark at 587-4687. We look forward to continuing work with
your agency on the Oil and Gas Leasing Program as specific sites in King
County are proposed for site investigations and exploration.

Sincerely,

Holly Miller

HOLLY MILLER
Director

HM:DC:mjm
RP108

cc: Brian Boyle, Commissioner of Public Lands
Bryan Glynn, Manager, Building and Land Development Division
ATTN: Ralph Colby, Chief, Plan Implementation Section
Diane Sheldon, Planner, Plan Implementation Section
Harold Robertson, Manager, Planning Division
ATTN: Martin Seybold, Chief, Resource Planning Section
Dave Clark, Planner, Resource Planning Section
Lois Schwennesen, Chief, Community Planning Section
Steve Boyce, Planner, Community Planning Section



San Juan County Planning Department

P.O. Box 947 • Friday Harbor, Washington 98250 • 206/378-2354

November 29, 1984

Mr. Kenneth E. Solt
Division Manager
Lands Division
Mail Stop QW-21
Dept. of Natural Resources
Olympia, WA 98504

W12₃

Re: DEIS
Proposed Oil and Gas Leasing Program

001

Dear Mr. Solt:

San Jaun County offers the following comments:

- NOTED 1. San Juan County is not included in the general areas listed as potential areas of oil and gas interest in the State of Washington.
- P43 2. However, interest in drilling on the DNR aquatic land holdings may be expressed by oil or gas companies in the future, unlikely as that possibility may be now. We request that San Juan County be notified immediately when such an indication of interest is known to DNR. San Juan County is protected from surface drilling by RCW 90.58.160.
- P43,46 3. The waters of San Juan County are held to be unique by the legislature above all others in the state. Since 1923, a marine biological preserve has been established for all the "salt waters and beds and shores of the islands constituting San Juan County and Cypress Island in Skagit County" (RCW 28 B.20.320). Preparation of specific EIS's for localized aquatic areas are called for under program resource protection planning. Recognition of the marine biological preserve should be included as a "selected sensitive area" factor in the EIS. Indeed the legal ramifications of RCW 28 B.20.320 might preclude any kind of drilling in San Juan waters.

Thank you for allowing San Juan County the opportunity to
comment on the DEIS.

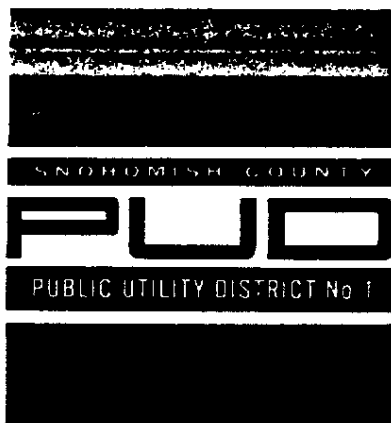
Sincerely,

Meg Fernekees

Meg Fernekees

■

c: Colonel L. Sorenson, Planning Director
Dennis Willows Director of Friday Harbor Labs



2320 California St., Everett, Washington 98201 258-8211
Mailing Address: P. O. Box 1107, Everett, Washington 98206

January 14, 1985

PUD 16182

Mr. Kenneth Solt, Division Manager
Lands Division
Department of Natural Resources
Mail Stop QW-21
Olympia, WA 98504

W13

Dear Mr. Solt:

RE: Proposed Oil and Gas Leasing Program
on State Lands - Draft Programmatic
Environmental Impact Statement

The interest of this utility in your proposed program focuses on protection of facilities of the Henry M. Jackson Hydroelectric Project. We do not object to the overall program. We present suggestions to improve coverage within both the EIS and subsequent Departmental administrative procedures.

P7,42,
45 Within the context of your proposed program administrative procedures, we feel that the State land under or on which our project facilities are located should be classified as Category II lands. That is, according to your definition (p. 12), "Tracts on which there is a potential for significant environmental impact." As we understand your proposal covering such lands, a leasing applicant would be required to prepare an environmental checklist and a plan of operations (p. 13). Therefore, we request that the following land sections be classified as Category II due to the siting of project facilities within them. The project area is shown on the enclosed drawing.

<u>Facilities</u>	<u>Sections</u>
NOTED Culmback Dam	29; T29N and R9E
Power tunnel	29, 30 and 36; T29N and R9E and 2; T28N and R8E
Power pipeline (buried)	3, 9, 10 and 17; T28N and R8E
Powerhouse	17; T28N and R8E

January 14, 1985

Facilities

Sections

NOTED Lake Chaplain pipeline

5, 6, 8 and 17; T28N and R8E and 31;
T29N and R8E

Everett diversion dam, water
pipeline and tunnel

31, 32 and 33; T29N and R9E

P7,43
45,52, 53 Seismic exploration and drilling are the two physical activities in the program that are of major interest to us. Recognition of the potential hazard of these activities to project facilities must be covered in administrative processing of any exploration permit for project areas. Appropriate protection requirements must be included in any permit for exploratory work in the Category II lands listed above and shown on the enclosed drawings. Also, any activity by the permittee must be consistent with pre-existing agreements and leases between the District and the Department of Natural Resources. In the context of proposed program language, the above statements constitute "site-specific conditions" regarding seismic exploration (p. 23).

E69 Stratigraphic and exploratory drilling alternatives and discussion is inadequate (pp. 23-24 and 66). Coverage is lacking of facilities at considerable depth underground, such as the Jackson Project's power tunnel. (A plan and profile drawing of this tunnel is enclosed also.) We suggest that a fifth alternative be added:

"5. Restrict stratigraphic and exploratory drilling in areas with subterranean facilities."

The need for this administrative option is obvious. The selection of it would be limited to special cases or instances where and when drilling could damage subterranean facilities. Your proposed program fails to recognize the potential problem. Our suggestion addresses this oversight.

E66,73,
85 There should, in our opinion, be DNR comments on environmental impact and mitigation measures under "Public Services and Utilities" regarding seismic exploration and stratigraphic and exploratory drilling. Facilities of our hydroelectric project have been designed to withstand seismic events (earthquakes). Therefore, if proper buffering is employed between facilities and seismic exploration shot holes, protection should be adequate. This specific assessment, however, must be made by the Department of Natural Resources and incorporated within this EIS, (draft p. 66). The same issue applies to buffering between drill holes and deep subterranean facilities at pages 70 and 82. We do not understand the oversight since our prior communication to you of June 25, 1984 specifically presented this issue. This is acknowledged in "Key Environmental Issues by Respondent" on pages iv and v. Snohomish County PUD is listed in the matrix.

Mr. Kenneth Solt
Department of Natural Resources

-3-

January 14, 1985

The thrust and intent of our comments herein is to embed recognition and protection of hydroelectric project facilities within your administrative procedures, when and if implemented, for oil and gas exploration leasing on State land which may involve not only the Jackson Project but any other hydroelectric project in the State.

We appreciate your contacting us directly for commenting on the draft programmatic EIS.

Yours very truly,

J. D. Maner
J. D. Maner
Executive Director
Utility Operations

Enclosures (2)



**SNOHOMISH
HEALTH
DISTRICT**

Courthouse
Everett, Washington 98201
Area Code 206 259-9440

December 12, 1984

Kenneth E. Solt, Manager
Department of Natural Resources
Lands Division
Room 202, Public Lands Building
Olympia, Washington 98504

W14

Re: Proposed Oil and Gas Leasing Program

Dear Sir:

We have reviewed the Proposed Oil and Gas Leasing Program and accompanying Draft Programmatic Environmental Impact Statement (PEIS). The following comprises our comments.

P42,46
E71,81

We are concerned about proposed leases within municipal watersheds. Both the Sultan Basin and Pilchuck Watersheds are vulnerable. Degradation could impact the water quality of half of Snohomish County's residents. Since we would oppose any drilling within these watersheds, we fail to see why exploration should be allowed in these areas.

We are available to discuss these concerns with you.
We can be contacted at 259-0693.

Very truly yours,

A handwritten signature in cursive script, reading "C. H. Mangum".

C. H. Mangum, R.S., Director
Environmental Health Division

CHM:RPS:j sf

cc: Department of Social and Health Services
City of Everett Water Department
City of Snohomish Water Department

DIVISIONS
Light
Water
Bell Line



City of Tacoma WASHINGTON

DEPARTMENT OF PUBLIC UTILITIES
Paul J. Nolan, Director

Please address reply to:
City of Tacoma
Department of Public Utilities
P.O. Box 11007
Tacoma, Washington 98411
(206) 383-2471

1983-84



December 18, 1984

Mr. Kenneth Solt, Division Manager
Lands Division
Department of Natural Resources
Mail Stop QW-21
Olympia, Washington 98504

W15

Dear Mr. Solt:

This agency has had an opportunity to review your Proposed Oil and Gas Leasing Program and the accompanying Draft Environmental Impact Statement, both dated November 1984, and we wish to comment on your Program. As you know, the City's domestic water supply comes from the Green River Watershed which is a 231 square mile, protected Watershed in southeastern King County. The land ownership is mixed with the Department of Natural Resources being a major owner. The City is able to use unfiltered water due to the pristine nature of the Watershed and due to the sanitary and environmental controls the City has established within the Watershed area.

P42,45, maximum use of the Green River Watershed's resources, consistent
46 with the production of a pristine, unfiltered water supply. We understand that you have proposed a programmatic Plan and EIS for a state-wide leasing program and individual sites would be evaluated on their individual merit. Since the City of Seattle combined with the City of Tacoma's Watersheds serve over one-half the population of the State of Washington, we think both the Seattle Watersheds as well as the Tacoma Watersheds should be considered for designation as sensitive areas under your planning guidelines so that we are assured that extra precautions would be taken if it were necessary to drill in any of the cities' three Watersheds.

P7,45 In any event, we believe that any exploration or developmental drilling within these Watersheds should be subject to special sanitary operation provisions as well as special oil spill and other chemical spill provisions, along with a containment plan for such spills to insure that none of these minerals or chemicals will reach our precious water supplies. We would expect that Environmental Impact Statements would accompany such exploration and development plans, subject to the review of the affected cities.

CITY OF TACOMA
DEPARTMENT OF PUBLIC UTILITIES

Mr. Kenneth Solt
December 18, 1984
Page 2

In addition to these general comments we have itemized comments on both your Program and the Draft Environmental Impact Statement, as follows:

NOTED Program Document, Page 7 - We commend your attention to the Water Pollution Control Act, but we are concerned that accidental spills could occur that may not be properly provided for in your Plan.

Page 10 - We commend and support your oil and gas leasing program goal to protect from and reduce or eliminate losses caused by erosion, pollution of ground and surface waters and disruption of wildlife habitats.

P31 Page 31 - We noted that some of the drilling fluid additives may be caustic, toxic or acidic. We would ask that the use of any toxic additives within a municipal watershed be very closely evaluated before using them, both on the basis of spills at the drilling site, as well as possible spills while the materials are being transported to the drilling sites.

P7 Page 34 - You indicate that if surface water is disposed of underground it must meet the provisions of the Department of Ecology's Underground Injection Control regulations as well as the Federal Safe Drinking Water Act provisions to protect fresh water aquifers. We would hope that in your planning, surface water supplies serving the domestic population would be given the same considerations.

P46 Page 42 - Regarding lands available for lease we note that your Sensitive Area Planning process may identify lands that will be withheld from leasing and that it will be on a site-specific basis. It is our desire that three special considerations be given to both Tacoma's as well as Seattle's domestic water supplies.

NOTED Also on Page 42 - You note that some lands may be available for conditional leases, such as places where municipal watershed leases are in effect. If it's necessary to adequately protect our Watershed from oil drilling we would be interested in pursuing such a lease.

NOTED We also note on Page 42 that the Commissioner of Public Lands may withhold lands from leasing if he determines it would be in the best interests of the State. We would hope that the two cities' Watersheds be considered for such withholding if it appears that exploratory drilling or well development is too hazardous an activity to be conducted on these lands.

CITY OF TACOMA
DEPARTMENT OF PUBLIC UTILITIES

Mr. Kenneth Solt
December 18, 1984
Page 3

- E72,81 Page 43 - We note that your Department has withheld the leasing of aquatic lands at this time. It is our general position that it may also be wise to withhold all or part of the domestic watersheds from leasing consideration until such time that it might be shown that drilling could proceed safely and with minimal or no risk to the environment.
- P45 On Page 43 - Under Water and Wetland Areas - We note that drilling, development and production would be prohibited within 200 feet of certain streams. We would presume that this would also include the transportation of products to and from any sites also. The City of Tacoma presently has a one-half mile buffer strip on each side of its Green River supply and such buffer strip may be more appropriate in our large municipal watersheds regarding the production of oil and gas.
- P54 On Page 43 - We note that you will be requiring a Plan of Operations for any exploration or drilling activities and we would hope that such a Plan of Operations would be subject to our review so that domestic supplies would be adequately protected from any drilling operations.
- NOTED Page 44, under Resource Protection - We wonder if such protection should also be extended to the large watersheds at this time.
- P46 On Page 45, under Resource Protection Sensitive Area Planning - We would appreciate your considering watersheds as part of the sensitive area planning process regarding oil and gas leasing.
- NOTED Page 46 - We commend your including industrial or domestic watersheds under those situations that may be selected to be sensitive areas.

The next comments will be on the Draft Environmental Impact Statement.

- NOTED Page iii - We commend your recognizing upfront that any development and production phase will require both an environmental checklist and may also require a site-specific supplemental Environmental Impact Statement to adequately protect our natural environment.
- E82 Pages iv and v - We are very concerned with any accidental oil spills or chemical spills connected with your proposed program and in reviewing both your program document and EIS document, we feel the accidental spills are not yet adequately addressed as to their impact on the environment. What can be done about spills and what the short and long-term nature of such spills might be on the environment is not addressed.

Mr. Kenneth Solt
December 18, 1984
Page 4

NOTED Page 12 - Under Policies, Lands Available for Lease Alternatives - We wonder if the Seattle and Tacoma Watersheds could be included either in your Category II. or III., that is, Land Available for Restricted Leasing or Lands Withheld from Leasing.

P42,45, Page 15 - Under the first discussion - We strongly agree with your
46 buffer strip concept. Within the municipal watersheds we feel that
E71,80 to minimize the risks you may wish to consider extending these
buffer strips up to 1/4 or 1/2 mile away from any live streams.
Such protection should also be considered for the transportation of
any chemicals or products from the well site. We realize that such
protection may not be possible or even desirable in all cases that
might arise. We feel it is imperative for your Department to
quantify the environmental damage from a "worst case" basis chemical
spill while transporting materials to a drilling site within a
watershed as well as quantifying and evaluating the effect of a
theoretical oil spill from a typical oil well on our watersheds.
Then, we can rationally evaluate the impact of such activities on
our domestic water supplies. Either theoretical or real situations
could be evaluated as to the effect on our natural environment.

NOTED Page 33 - Under Oil and Gas Leasing Program Goals - Again we
strongly agree with your goal to "Protect from and reduce or
eliminate losses caused by erosion, pollution of ground and surface
waters and disruption of wildlife habitats."

NOTED Page 34 - Again, we note that some DNR lands are leased for
municipal watershed purposes and if necessary to protect us
adequately from oil and gas leasing we would be interested in such a
lease.

NOTED Page 38 - Under Policies with a Potential for Environmental Impact,
Natural Environment, Earth, Air, Water - You indicate that no
significant impacts are anticipated. We strongly believe that, as
mentioned before, your Department should take the time to try to
evaluate the effect of either a major chemical spill or a major oil
spill within a domestic watershed or within a certain number of feet
from any live stream within the State of Washington and then we can
rationally determine the impact of these proposed operations on our
precious domestic water supplies. Also, on Page 39 under Built
Environment, again you indicate that no significant impacts are
anticipated. We believe that you should detail the impact of either
a chemical spill or an oil spill, both on the terrestrial as well as
the aquatic environment.

CITY OF TACOMA
DEPARTMENT OF PUBLIC UTILITIES

Mr. Kenneth Solt
December 18, 1984
Page 5

NOTED On Page 41 - Under Built Environment, Environmental Health - Once again you indicate that no significant impacts are anticipated and we wonder what the impact from a chemical spill or oil spill would be.

NOTED Page 71 - Under Exploratory Drilling - You appear to provide a great deal of protection against accidental well blowouts and we commend your efforts along these lines. This is one of the occurrences that we've all seen in the movies and of course it gives us a biased view towards the environmental hazard of oil and gas wells.

NOTED Page 77 - Under Natural Environment, Water, Runoff/Absorption - It is good to see that containment berms will be required surrounding the storage area for drilling mud materials. For our watersheds it may be necessary to have a containment plan in effect for the whole site as well as an evaluation of the effect of any chemical spills or oil spills while transporting materials to and from the sites.

NOTED Once again, we appreciate the opportunity to comment on your Program and your Environmental Impact Statement and we cannot overemphasize our feeling for the necessity of adequately protecting our domestic water supplies and for evaluating the possible effects of chemical or oil and gas spills within our domestic watersheds so that both we and the public can have adequate assurance that drilling can or cannot proceed safely within these watersheds.

Very truly yours,



Kenneth F. Olson
Superintendent
Water Division

KFO:CRM/smc

cc: Tom Spring, Seattle Water

Letters from Organizations

FRIENDS OF THE COLUMBIA
250 Earl Road
Moses Lake, WA 98837

January 9, 1985

Kenneth Solt, Division Manager
Lands Division
Department of Natural Resources
Mail Stop QW-21
Olympia, WA 98504

RE: Comments on Proposed Oil and Gas Leasing Program

W16

Dear Mr. Solt;

NOTED I have read the document which is the draft Oil and Gas Leasing Program. I have not read the PEIS. I am submitting these comments on the first document because of the time constraints. I only have 5 days left to read and comment on the PEIS and may not be able to accomplish this project in a timely manner. Therefore I have read the program and wish to comment on the document at this time and hopefully I will be able to get comments to you on the PEIS at a later time.

P41 The background section of this document was extremely informative and well thought out. I did not understand fully the comment on pg. 9 which says "Integrate the needs of nontimber resources into the management of the timber resource". This seems to place the timber resource on a level of higher importance than the other natural resources on DNR lands. Please correct this assumption by informing me of the correct meaning of this statement or change the document appropriately so that one resource does not tend to dominate others.

The introduction to oil and gas exploration development in Washington was again well developed and quite informative. I was quite surprised to see that only one oil well has been brought to production status. This fact is quite an eye opener taking into account the amount of activity and money generated from a program of this type. Naturally I am concerned about Columbia River Basins roll in this program. Also the recently scraped plans by ARCO for testing on the floor of the Columbia. Some of these concerns may or may not be addressed in the implementation of this program. Irregardless it is apparent that there is interest in oil and gas deposits along the western rim of the basin.

P7 On page 24, Phases of activity, I am concerned about the waste disposal
E71,81 section of this part of the report. I do not support, under any circumstances, injecting polluted waters back into the strata. The fact that it lesser in quality does not affect the volume of such poor quality waters. I strongly support the method of evaporation listed on page 31. I advise that injection disposal procedures not be allowed, and absolutely no disposal be allowed in streams (2nd paragraph, left hand column). Evaporation from a surface impoundment is the best alternative suggested.

P7 In regards to the actual program, I am overall pleased with its content. I suggest on page 45, the following change be made: Public hearings will be used to gather additional information. Delete the words "may also be used".

P7,45, In regards to resource protection I strongly recommend more space be allowed
48,52 for within the program to cover flora and fauna protection, in general.
E44 While the department has focused specifically, at length on threatened or endangered or sensitive areas and species, not much has been notated

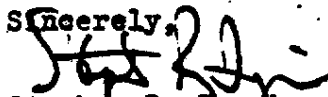
about impacts on flora and fauna of the area. What has been notated seems to hinge greatly on determinations by the Commissioner as to the impact of such activities upon flora, fauna and wildlife habitats. I request that notation be specifically included that the commissioner will determine impacts upon the environment, through public hearings, and then make determinations. This removes some of the subjectivity which comes from the departments involvement in the overall program.

NOTED I also request that a greater amount of space be devoted to reclamation. A simple statement such as appears on p. 56-"...is contingent upon acceptance of the reclamation by the department and compliance with the terms and conditions of the lease." simply does not cover the subject adequately. I have seen firsthand USDA and USFS inspections on timber contracts and various other termination and release activities regarding lease terms compliance and the implied rules which allow for on the site flexibility by the contract officer almost always results in a deminishment of the resource or resources. I would like to see a more specific stating in this program of policies which the DNR proposes for its contract officers to follow.

In general, I found the work to be informative, complete and only partly neglectful in specific instances. I urge that the department tighten its controls on the field staff in regards to compliance, set policies and spell out department policies to a far greater degree, allowing for little if any, on site flexibility by a single field person.

Your considerations of these comments is greatly appreciated.

Sincerely,



Stephen R. Frazier
Director-FRIENDS OF THE COLUMBIA

The Nature Conservancy

Washington Field Office

1601 Second Avenue, Suite 910, Seattle, Washington 98101
(206) 624-9623

January 15, 1985

Kenneth E. Solt
Division Manager
Lands Division
Mail Stop QW-21
Department of Natural Resources
Olympia, WA 98504

W17

Dear Mr. Solt:

I have reviewed the Proposed Oil & Gas Leasing Program and Draft EIS issued November 1984. As you may know, The Nature Conservancy is working closely with the DNR to preserve Washington's natural heritage. Also, under a cooperative agreement with the DNR, the Conservancy is implementing the Washington Register of Natural Areas Program.

NOTED It appears in the Proposed Oil & Gas Leasing Program and Draft EIS that there is some misunderstanding regarding the role of natural area registration in the state's overall natural heritage identification and protection plan. I recommend that you meet with Mark Sheehan, manager of the Washington Natural Heritage Program, to eliminate the confusion that seems to exist.

If I can provide any assistance in this effort, please let me know. I have enclosed a copy of a brochure for the Washington Register of Natural Areas Program. The entire Natural Heritage Program and its components are discussed most comprehensively in the DNR Washington Natural Heritage Plan.

Sincerely,

Laura Smith

Laura Smith
Field Representative

Enclosure

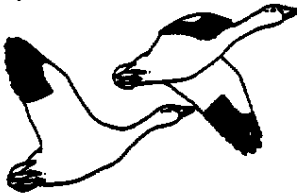
cc: Mark Sheehan

Western Regional Office
156 Second Street, San Francisco, California 94105
(415) 777-0541



F-75

National Office
1800 North Kent Street, Arlington, Virginia 22209
(703) 841-5300



Pilchuck Audubon Society

P.O. Box 1818, Everett, Washington 98208

January 14, 1985

Kenneth E. Solt, Division Manager
Lands Division
Mail Stop QW-21
Department of Natural Resources
Olympia, WA 98504

W18

Dear Mr. Solt:

These are our comments re: "Proposed Oil and Gas Leasing Program, November 1984."

Page 7:

- NOTED 1. "...all reasonable and appropriate uses." While Chapter 90.58.020 RCW does state the above, the exclusion of further explanation leads to a false impression of the intent of 90.58.020 RCW. "This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife...." This last sentence is the intent of the chapter; it sanctions reasonable and appropriate use only after protection of the resources.

Page 9:

- NOTED 1. "Integrate...montimer resources...into management of timber resource." This implies that the timber resource is the first priority. There are certainly many instances where the timber resource (the harvesting or 'mining' of trees) is not the best and highest use of the resource.
2. "Contribute to...viability of...forest...industry." We really don't feel this is an appropriate goal. It is all too easy to place industry before the mandate to conserve and enhance the natural resources. DNR should be concerned with contributing to the viability of the people and the resources (not industry) first and foremost.
3. "Promote...continuing...renewable resources." This should be on the basis of a sustained yield for all resources, not only those for which DNR feels it has direct jurisdiction.

Page 10:

- NOTED 1. "Contribute to...potential of the oil and gas industry." The business of the state government and its subdivisions should be people not business or industry.

Page 25

- P25 1. What is a pre-existing road? What is its relationship to an existing road?

Page 27:

P27 1. "Half...acreage...rehabilitated...upon completion...." This means that from 2 to 8 acres per section will not be rehabilitated. This cannot be called enhancement (see goals) especially when unrehabilitated land could really be a mess and contain all the garbage (such as toxic, caustic or acidic additives) from the other so-called rehabilitated land. Such areas are certainly inappropriate in Wilderness Areas, Parks, wetlands, etc. No mention is made of rehabilitating the potential minimum additional acreage (13 acres per section) for roads, pipelines and other functions.

E70 2. "...to a pump installed in a stream...." A maximum GPM withdrawal of stream water should be determined with the Game Department and others to protect downstream and instream impacts on a case by case basis.

"Section:

Page 31:

P45 1. The use of toxic, caustic or acidic additives in drill mud should be specified
E123 and individual impacts be enumerated in an EIS. Controls and mitigation should also be addressed.

Page 35:

P7 1. Who determines presence and levels of toxic materials in drilling fluids? Is monitoring required?

NOTED 2. Where are the D.O.E. approved disposal sites?

P27 3. "The drill pad surface...reserve mud pit, is restored to its original condition....
This statement is at odds with comment P27. "That only half the acreage would be rehabilitated." All is our goal.

E86 4. "Access roads are reclaimed as required by DNR." What are these requirements?

P55 5. "...equipment are removed and the surface is restored." Is there a site inspection to ensure compliance? Are bonds required to ensure compliance?

Page 42:

NOTED 1. "Lease applications...accepted...tracts...no adverse impacts...." This is a very positive statement and a highly desirable policy. We feel that the public should have the opportunity to comment on any such individual lease proposal.

P45 2. We feel the following lands should not be available for exploration or exploitation by any direct vertical drilling. Directional drilling should be addressed on a case by case basis with public comments via specific EIS:

Parks--city, county, state, national; wilderness areas; zones designated Conservancy; natural area preserves; environmentally sensitive areas; wetlands; all areas set aside for a specific purpose (i.e., the Tumwater Botanical Area near Leavenworth.); shorelines of statewide significance; shorelines.

January 14, 1985

- P7 3. "...to permit any activity...require...environmental checklist...." This checklist and mitigating measures should be subject to public review and comment.

Page 44:

- P59, 5 1. "Some preliminary investigations...." Some should be defined.

Page 45:

- NOTED 1. "Public hearings may also be used to gather....information." Change may to will.

Page 46:

- NOTED 1. "Industrial or domestic watersheds...." What is the definition of "Industrial" watersheds? Locations?

- NOTED 2. Definitions for stream types and their designations should be consistent throughout all state agencies; i.e., a Game Department Type 1 should be the same as a DNR Type 1.

Page 46 and 47:

- E64 It is to be hoped that DNR will use existing personnel in other departments to evaluate esoteric elements such as determination of significant wildlife wintering areas, fisheries impacts, etc.

Page A-1 and A-2:

- P7, A-1 "A very quick examination of drilling mud materials indicates some rather toxic substances, ones which would cause considerable concern if they were to be near my aquifer. Are they "safe"?"

PROPOSED OIL AND GAS LEASING PROGRAM: DRAFT ENVIRONMENTAL IMPACT STATEMENT

General:

My apologies to Messrs. Ford and Vonheeder, but on the whole I found this document extremely hard to follow. It is poorly organized perhaps and could definitely use a better physical configuration. The whole tenor of the EIS is to favor business and neglects real conservation and enhancement. There are many inconsistencies and contradictions. For example, many listed alternates are, as stated, totally unreasonable options, yet some unreasonable options are handed off by stating that the alternates are unreasonable.

- I firmly believe that the EIS is so loosely written that public monitoring of EIS standards and policies is impossible, also that the make up obstructs DNR monitoring too!

Specific:

P42 Page 9: "...proposes to allow...investigative...actions...." "...proposes to allow development and production." You are proposing to allow these activities regardless of location and consequences? We feel a condition should be made such as "...these activities will be allowed only if conditions of the EIS are met."

NOTED Page 11: "Anticipate and respond...oil and gas industry activities." "Contribute to the potential of the oil and gas industry." These statements, with many of the goals listed on Page 10, are designed to nurture business, which, if it is like the past, will be to the detriment of other natural resources, such as recreation (hiking, fishing), water and air. Such statements disregard other areas of the DNR mandate.

P42, 43 Page 12: "All department...lands...available...oil and gas leasing...unless prohibited or restricted...." The prohibited or restricted lands should be listed in the EIS. Comprehensive public comment and evaluation of the proposed action cannot be made on this EIS without the listing. The alternate which best covers all elements of your goals and policies is as follows:

Department managed lands will be placed in one of three categories. Oil and gas leasing will be based on each tract's category. They are:

Category I. Same as your Alternate 2 Category I.

Category II. Lands withheld from leasing. Tracts within prohibited areas.

Category III. Same as your Alternate 2 Category III.

P43 Page 16: Proposed Action. It is assumed this page addresses WHEN. The proposed action does not address, except in the most general terms, when notification will take place unless upon acceptance means instantaneously. It also does not address conditions where the surface is leased to private interests. Nor is the mechanism of public involvement outlined. Under Discussion it is stated "Notification upon receipt of the application is too early...to serve...useful purpose." In the last paragraph a very useful purpose is stated; early public involvement.

A possible scenario under the Proposed Action: The first notice of impending oil exploration or exploitation upon a Game Department Sanctuary is when the trucks come rumbling to their field office (if indeed there is one there.) Impossible? Your Proposed Action states "Notification to surface owners...." If the Game Department does not own the land there is no obligation to notify them, or any other surface users, if that user does not own the land. If DNR owns the land "leased" by the Game Department, your proposed action states that you will notify the DNR (the owners). Notification to all users (surface or not) must be required by all alternatives. The use of computers makes this quite feasible.

NOTED Page 18: Right of Entry. Proposed Action. The appropriate department must be identified. Is it the DNR office or the leasees office?

NOTED Under alternative it is stated that a no-action alternative would ignore the rights of surface leasees and is thus considered unreasonable. "Unreasonable" alternates have been listed throughout this document. The rights of surface leasees have been ignored in the Notification Section, among others. The rights of other natural resources are ignored.

NOTED Page 19: Resource Protection. Plants and Animals. Proposed Action. Wording must include "avoid impacts on Washington State Special Animal and Plant Species and animal and plant species listed as threatened, endangered or sensitive by agencies of the government of the State of Washington, the Federal Government, and local governments."

The value of your proposed action cannot be determined without expounding on what the statement "within trust management obligations...." means.

NOTED Page 20: Yes, it is possible that consideration of endangered, threatened and sensitive species would be costly and require dramatic changes. It is also possible that restrictions imposed by these considerations may not be warranted. The value of wildlife and the cost of its protection is not addressed by this document, nor is it its purpose. To be considered as relevant, your statements need more than mere enumeration.

P45 Page 20: Natural Area Preserves and the Registry Program. Mere designation means little if these areas are not protected. There is no more protection of these areas by this EIS than to other areas. The location of oil and gas leasing activities must be adjusted if the area has been identified, otherwise identification serves no purpose but to build empires.

P45 Page 21. Cultural Resources. Proposed Action. "Administer the Oil and Gas Leasing Program in a manner...." This manner is not specified. What is the manner? Under Alternative "Make no special effort...." This implies that a special effort will be made under the Proposed Action. Where is this special effort documented? Is this effort as costly as the disregarded costly inventory and data gathering required to protect Plants and Animals discussed on Page 20?

NOTED "Since OAHF is understaffed and underfunded...." Is DNR going to increase their staffing to do this job (proposed action) or will DNR transfer funds to OAHF so that they may do the job?

We feel that special efforts must be made to protect all of our natural resources. One of your mandates is to enhance and conserve our natural resources. DNR is in itself a special effort to do that, and as such they should espouse using special efforts to achieve that mandate.

NOTED Road Construction. Proposed Action. The Forest Practices Board road standards should be enumerated. Current road construction and maintenance practices do not always contribute to solving problems, in fact they are problems. DNR is by its proposed action denying itself the right to more stringent and sensitive evaluation. A standards provides only a basis of evaluating and does not assure unbiased assessment of operator performance.

Both the Proposed Action and the alternate is silent about who establishes the standards and their applications. The criteria for standards are not stated for either proposal.

P45, 50, Page 22: Preliminary Investigations. Proposed Action. What are the preliminary investigations which will be allowed? What are the site-specific conditions which may dictate restrictions? What are the preliminary investigations which will be prohibited on water and wetlands? An evaluation of and comments on this EIS cannot be truly made without certain withheld information.

P45 Page 23. Seismic Exploration. Proposed Action. "...site-specific conditions may preclude...." Again certain valuable and necessary information is withheld. Under your discussion section the second paragraph is more of a dogmatic statement, and undocumented, than an element of an unbiased discussion.

NOTED Page 24: Stratigraphic and Exploratory Drilling. Discussion. Submission of an environmental checklist and a Plan of Operations for department approval will not ensure that an environmental analysis of the site has been made. Is not the checklist made by the applicant? The checklists we are familiar with have been. They have been biased and inaccurate. They have contained outright lies in opposition to differences of opinion. The lead agencies reviewing checklists must be as knowledgeable about the site (more so would be better) than the leasees.

E25 The last paragraph states: "These alternatives would call for making a judgment about the relative importance of environmental impacts." The implications is that this is undesirable, yet the whole EIS is filled with judgments. Why single this out? If judgments are out of place here, they are out of place in all areas of the EIS. Please rewrite.

NOTED Page 34: Department Leasing Policies. "Since leasing is strictly an administrative process in which no environmental impacts occur, no mitigative measures are discussed." The lease itself (the paper, the document) is an administrative action and does not have an impact, but the results of the lease may very well have impacts.

NOTED Page 38: Resource Protection. Proposed Action. "Consider avoiding...impacts on species considered sensitive." Only consider? This must read "...must avoid...." To meet your goals and objectives you must avoid impacts. Alternate 2 is the preferred action.

Natural Environment. Earth, Air, Water. "No significant impacts are anticipated." This is an area where the document's organization may well have went to pot. I cannot tell what policy this refers to. To say leasing will not have an impact is ridiculous. See Deer Creek Mud Slide for potential caused by poor Forest management practices and road construction practices; while they may not have been related to oil and gas leasing activities the potential is there!

NOTED Page 39: Energy and Natural Resources. "No significant impacts are anticipated." Here again this fiasco may well be the result of poor differentiation. Significant impacts to energy resources will result from removal of gas and oil. The activities to exploit these may very well impact other natural resources--the ones which seem to be shunted away, i.e. water, recreation, wildlife, etc.

E43,86 Page 42: Natural Environment. Earth. "Cut and fill...may...result in changes...." By definition cut and fill does change the topography. "Overall impacts to topography associated with road building would be minor and insignificant." Wrong! It should read major and significant. See Dear Creek Slide and other disasters caused by poor road construction practices.

E43 What is pre-existing natural topography. Nowhere does there appear requirements in mitigation for culverts, reseeded, catch basins, etc.

E64,75 Air. What are the dust abatement measures? Are they chemical? Mechanical? Construction only after rains or snow?

NOTED Page 43: Plants and Animals. "...review...will...(use) the Natural Heritage data system...to identify...." "The appropriate Department of Game...may...." All resources must be used as well as an unspecified Natural Heritage data system must be used. May be used. This should read must be used.

The construction of roads is not a good reason to destroy or impact Washington State Special Animal or Plant Species. Construction neither enhances or conserves.

P45 Page 43: Noise. Noise in remote areas can be a significant impact to both wildlife and humans using those areas. Another option would be to restrict construction to week days only.

E86 Page 44: "Roads may be barricaded and abandoned at the close of operations." This appears to be a new option. What happened to rehabilitation?

NOTED Page 50 and 51: Figure 4's dimensions do not match word description of the second paragraph on page 50. Page 50 also contains a value judgment.

NOTED Page 52: I cannot find the referenced alternate to M/T. A value judgment is also contained in the next to last paragraph.

E55 Page 53: The mitigation should read "Entry to sensitive areas will be denied,...."

... The last paragraph uses a proposed goal of the Proposed Aquatic Policy Plan as justification for a no-action alternative. Such usage is underhanded, for or against an activity. Incidentally this no-action alternate seems to be missing.

E58,62, 66 Page 54: Seismic Exploration. "Energy would be induced...." What kind of energy? What is the magnitude? What are the time frames? What are the site-specific conditions which may preclude the use of certain (what kind) energy; limit (specify); or modify (how?) their use?

January 14, 1985

E58 Page 56: Liquification of soils other than clays also occur.

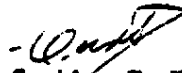
E59 Page 57: Who are the "local planning authorities" suggested for developing Plan of Operations for unstable soils? I do not see the preferred action or the alternates!

E59 I suspect (hope!) the phrase minimum corridor widths should read maximum corridor widths. See Mitigation for Plants and Animals.

Because of time limitations we could not finish our evaluation beyond page 57. Based on the previous pages it is expected that the following pages would result in similar comments.

Thank you for the opportunity to comment.

Sincerely, /



Curtiss E. Howard
President
Pilchuck Audubon Society

Letters from Companies



Boise Cascade

Timber and Wood Products Group

Environmental and Energy Services
P. O. Box 8328
Boise, Idaho 83707
(208) 384-6458

January 3, 1985

Mr. Kenneth Solt
Division Manager
Lands Division
Department of Natural Resources
Mail Stop QW-21
Olympia, WA 98504

W19

Subject: Proposed Oil and Gas Leasing Program
Draft Programmatic Environmental Impact Statement

Dear Mr. Solt:

NOTED Boise Cascade Corporation appreciates the opportunity to comment on the proposed Oil and Gas Leasing Program and the Draft Programmatic Environmental Impact Statement (PEIS). Boise Cascade's review of both documents found them to be well written and complete. It was noted, however, that the section entitled "Oil and Gas Leasing Procedure" appeared at the end of the document. Clearly, this discussion of leasing procedure, and especially Table 4 which depicts permit processing, should appear at the forefront of this document. Further, the flow chart presented in Table 4 is not accompanied by a detailed description.

Boise Cascade timberlands, very often, cannot be fully evaluated without geologic interpretations gained from adjacent DNR-managed lands. Therefore, Boise Cascade supports the DNR's Oil and Gas Leasing Program goals.

Again, thank you for this opportunity to comment on these important documents.

Sincerely,

Victor J. Kollock
Environmental Engineer

VJK/A5.15f